

HOUSE BILL NO. 295

INTRODUCED BY C. PEASE-LOPEZ, L. WHITFORD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTAIN SIGNAGE AHEAD OF SCHOOL BUS STOPS; PROVIDING FOR TRANSITION; AND AMENDING SECTION 61-8-203, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-203, MCA, is amended to read:

"61-8-203. Department of transportation to place traffic control devices on highways it maintains and approve traffic control devices on highways under its jurisdiction. (1) (a) The Subject to the provisions of subsection (1)(b), the department of transportation shall place and maintain traffic control devices, conforming to its manual and specifications, upon all highways maintained by the department of transportation that the department considers necessary to carry out the provisions of chapter 9 and this chapter or to regulate, warn, or guide traffic.

(b) (i) A sign indicating a school bus stop ahead must be installed in advance of locations where a school bus, when stopped to pick up or discharge passengers, is not visible to road users for a distance of:

(A) not less than 500 feet in advance of the school bus stop where there is no opportunity to relocate the bus stop to provide 500 feet of visibility; and

(B) not less than 750 feet in advance of the school bus stop if the highway is frequently used by trucks or truck tractors that travel at a speed in excess of 55 miles an hour, under normal road conditions, when the trucks or truck tractors are within 750 feet of the school bus stop.

(ii) For the purposes of this subsection (1)(b):

(A) "BUS STOP" MEANS A LOCATION IDENTIFIED TO THE DEPARTMENT OF TRANSPORTATION BY A SCHOOL DISTRICT, MUNICIPALITY, OR COUNTY AS THE POINT AT WHICH A SCHOOL BUS WILL STOP TO PICK UP OR DISCHARGE PASSENGERS DURING THE SCHOOL YEAR;

(A)(B) "frequently" means whenever trucks and truck tractors constitute more than 5% of all traffic on the highway in any 30-day period; and

(B)(C) "normal road conditions" means that the highway is dry and free from loose material.

(2) A local authority or other entity may not place or maintain a traffic control device upon a highway

1 under the jurisdiction of the department of transportation except with the department's permission.

2 (3) The unauthorized erection of a sign, marker, emblem, or other traffic control device on a highway  
3 under the jurisdiction of the department of transportation by any other entity is a misdemeanor and is punishable  
4 as provided in 61-8-712.

5 (4) The erection or maintenance of a sign, marker, emblem, or traffic control device on a highway under  
6 the jurisdiction of the department of transportation is subject to the rules and specifications that the department  
7 adopts and publishes in the interest of public safety and convenience.

8 (5) (a) An automated enforcement system designed to detect traffic violations that is attached to a traffic  
9 control device may not be used to enforce traffic laws.

10 (b) Subsection (5)(a) does not apply to automated enforcement systems attached to traffic control  
11 devices at railroad grade crossings."  
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13 **NEW SECTION. Section 2. Saving clause.** [This act] does not affect rights and duties that matured,  
14 penalties that were incurred, or proceedings that were begun before [the effective date of this act].  
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16 **NEW SECTION. Section 3. Transition.** When implementing [section 1], the department of  
17 transportation shall:

18 (1) if replacing an existing sign indicating a school bus stop ahead or erecting a new sign indicating a  
19 school bus stop ahead, replace or erect the sign to conform to the provisions of [section 1]; and

20 (2) if an existing sign indicating a school bus stop ahead does not conform to the provisions of [section  
21 1], move the sign so that it conforms to the provisions of [section 1] as soon as possible without incurring undue  
22 expense or within 3 years after [the effective date of this act], whichever is sooner.  
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